

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 7-24 remain pending.

Applicants' appreciate the Examiner's acknowledgement of Applicants' claim for foreign priority, and that all of the certified copies of the priority documents have been received.

Applicants' note with appreciation the Examiner's indication that claims 12, 19 and 23 have been allowed, and that claims 13-15 contain allowable subject matter.

The Office Action objects to the Specification for minor informalities. Accordingly, the Specification has been amended to correct these minor informalities.

The Office Action indicates that certain documents submitted with the Information Disclosure Statement (IDS) filed on December 12, 2001 were not considered because the IDS did not include a concise explanation of relevance for the foreign language that were listed. The present application is a national stage application of a PCT International Application. On December 10, 2001, an English language version of the International Search Report was entered into this application file. For the Examiner's convenience a copy of this Search Report, obtained via Private PAIR, is attached. It is respectfully submitted that

this English language International Search Report satisfies the concise explanation of relevance. Accordingly, Applicants submit herewith another copy of the form PTO-1449 filed on December 10, 2001, and respectfully request that the Examiner consider the documents listed on the attached form PTO-1449, and return an Examiner-initialed copy of same indicating consideration of such documents.

The Office Action rejects claims 7-11 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,521,588 to Kühner et al. (“Kühner”) in view of U.S. Patent No. 6,331,762 to Bertness (“Bertness”). This ground of rejection is respectfully traversed.

The combination of Kühner and Bertness does not render Applicants' claims 7-11 and 16-18 unpatentable because the portions of Bertness relied upon to reject Applicants' claims are not prior art with respect to the present application, and Kühner in combination with the portions of Bertness that are prior art do not disclose or suggest all of the elements of Applicants' claims.

The rejection of claims 7-11 and 16-18 acknowledges that Kühner does not disclose or suggest configuring data in an XML format. To remedy this deficiency of Kühner, the Office Action relies on Bertness. However, it is respectfully submitted that the portions of Bertness relied upon by the Office Action are not entitled to a 102(e) date prior to Applicants' claimed priority date of June 9, 1999.

Bertness was filed on May 4, 2000, as a continuation-in-part of several earlier applications and claims priority to a number of provisional applications. Only two of these earlier applications, U.S. Patent Application No. 08/962,754 and U.S. Patent Application No. 60/132,622, have filing dates that are earlier than the priority date claimed by the current application. However, neither of these earlier applications contain any disclosure of the material relied upon by the Office Action to reject Applicants' claims 7-11 and 16-18. Accordingly, the alleged disclosure in Bertness of configuring data in an XML format is not prior art with respect to the present application. In order to perfect Applicants' claim for priority, enclosed please find a translation of the certified copy of German Application No. 199 26 206.3, filed June 9, 1999, as well as a statement by the translator that the translation is accurate. Therefore, it is respectfully requested that the rejection of Applicants' claims 7-11 and 16-18 be withdrawn.

The Office Action has rejected claims 20-22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Kühner in view of Bertness, in further view of U.S. Patent No. 5,999,908 to Abelow ("Abelow"). This ground of rejection is respectfully traversed.

Claims 20-22 and 24 variously depend from claims 7 and 8. As discussed above with regard to claims 7 and 8, the combination of Kühner and the portions of Bertness that are prior art with respect to the present application does not disclose or suggest all of the elements of these claims. It is respectfully

submitted that Abelow does not remedy the above-identified deficiencies of the combination of Kühner and the portions of Bertness that are prior art with respect to the present application. Accordingly, the combination of Kühner, Bertness and Abelow does not render claims 7 and 8, or claims 20-22 which depend therefrom, unpatentable. Therefore, Applicants respectfully request that this ground of rejection be withdrawn.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in immediate condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Serial No. 10/009,365
Attorney Docket: 095309.50675US
Reply to Office Action Dated July 27, 2005

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.50675).

Respectfully submitted,

Date: October 19, 2005



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